United Nations S/2003/434

Security Council

Distr.: General
17 April 2003

Original: English

Letter dated 10 April 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from the Gambia submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I should be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

03-33461 (E) 010503

Annex

Letter dated 28 March 2003 from the Permanent Representative of the Gambia to the United Nations addressed to Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

I have the honour to submit the Gambia's report to the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism (see enclosure).

I should be grateful if you would arrange for the present letter and its enclosure to be circulated as a document of the Security Council.

(*Signed*) Crispin **Grey-Johnson**
Ambassador
Permanent Representative

Enclosure

Report on the implementation of resolution 1373 (2001): counter-terrorism measures*

1a. The Gambia Government has enacted legislation, the Anti-terrorism Act 2002, the purpose of which is to provide for measures to combat terrorism and related matters, as required by UNSC Resolution 1373.

The main mechanisms which The Gambia has used to implement Res.1373 are the passing of the Anti-terrorism Act 2002 and the Money Laundering Bill 2003. By an opportune moment a new Financial Institutions Bill 2003 is also ready to go before the National Assembly. This bill will further complement the objectives of Resolution 1373. It is anticipated that the National Assembly will pass these two bills into law during its first legislative session of 2003 which is currently in session. These are in addition to other provisions of our Criminal Code and the supervisory powers of the Central Bank of The Gambia over financial institutions.

1b. Section 11, 12 and 13 of the Anti-Terrorism Act specifically prohibit such an activity. A definition of terrorism is included in the Act. It is widely defined and makes use of international standards and precedents.

1c. Section 17 and 18 of the ATA specifically empowers the Inspector General of Police to seize funds belonging to or being used or held directly or indirectly for the purposes of terrorism or soliciting funds for terrorism purposes.

Section 37 of the Central Bank Act 1992 (CBA) empowers the Central Bank to demand information from financial institutions regarding their operations.

Under Section 42 of FIB (Financial Institutions Bill) the Central Bank may take possession of a Financial Institution if banking is conducted in an unlawful manner. An unlawful manner would

* The annexes are on file with the Secretariat and are available for consultation.

include activities contrary to the ATA (Anti-Terrorism Act) and MLB (Money Laundering Bill). The present Financial Institutions Act 1992 is due for repeal and replacement by the new Financial Institutions Bill. The latter gives much wider powers to the Central Bank.

1d. This activity is covered in sub-paragraph 1(b). However sections 4 and 5 of the Money Laundering Bill make disclosure by financial institutions mandatory. In conjunction with the Money Laundering Bill, the NGO (Non-Governmental Organization) Affairs Decree 80 approves and supervises the activities of charitable organisations. This includes the inspection of their books and the regulation of their activities.

2a. Sections 36 and 37 of the ATA deal with recruitment and prohibit it entirely as per the terms of the resolution.

In addition The Gambia is a party to the ECOWAS Protocol on the mechanism for Conflict Prevention, Resolution, Management, Peace Keeping and Security. This mechanism provides in its Art 46, for control of trans-border crime. In this domain ECOWAS promotes close cooperation among the Security Services of Member States through its technical arm; the Defence and Security Commission.

Art 49: Measures against money laundering: This provides for the confiscation of laundered proceeds and illicit funds and eases banking secrecy laws within the sub-region.

Art 50: Control of the Proliferation of Small Arms: This includes the control of the Importation, Exportation, Manufacture and Eradication of the flow of small arms, through a moratorium. The Moratorium requires the prior approval of all member states before any member state can import small arms and light weapons. This system enhances transparency and the effective monitoring of the circulation of small arms and other weapons which may illegally find their way into the hands of terrorists and other groups.

To enhance the effective implementation of the moratorium certain preventive measures have been put in place.

- Enhancing weapons control at Border posts through the network of Chiefs of Defence staff of ECOWAS member countries.
- The establishment of a database and a regional arms register.
- Facilitating dialogue with arms producers and suppliers.

The Moratorium is further buttressed by a code of conduct signed by all ECOWAS Heads of State who are preoccupied by the diffusion of light weapons which fuels criminality, banditry, cross border crime and the emergence of new forms of terrorism. The ECOWAS Heads of State and Government requested the then Organization of African Unity, now African Union and the United Nations to facilitate the implementation of the Moratorium through the establishment of a regional project. This project was launched with funds from the UNDP and other donors It is the programme for Co-ordination and Assistance for Security and Development (PCASED). In pursuance of PCASED, National Commissions have been set. PCASED is also to extend the ECOWAS moratorium to other regions of Africa.

There is an additional protocol to the mechanism. It is the protocol on the possession, sale and circulation of weapons.

There is currently an ongoing arrangement concerning the installation of a Communications Centre via Satellite to be linked to ECOWAS Headquarters and to all ECOWAS countries. The system – C4 Installation – will provide a medium for the exchange of information.

2b. The Gambia Police Force has a mechanism to provide early warning to other states on any security related matter including anticipated terrorist acts. Such messages are conveyed to other states through the following:

- X400 Interpol Communication Channel: This is a worldwide communication mechanism through which messages can be disseminated to and received from other States. Abidjan, Cote d'Ivoire hosts the sub-regional Bureau, serving as coordinator of the member-states.

There exists a bilateral arrangement between the Republics of The Gambia and Senegal on the exchange of information on security matters. In addition cooperation agreements exist in judicial and criminal investigation matters with:-

- Algeria
- Mauritania
- Senegal
- Morocco,
- France
- Nigeria
- U.S.A (at a preparatory stage)

2c. The Gambia shares borders with only Senegal. The Gambia currently has 12 recognized border crossing points including one airport and a seaport, all manned by Immigration Officers.

The Immigration Act of 1965 (see: Laws of The Gambia, 1965, Volume III, Chapter 16:02), incorporates the followings:

- All Aliens are subjected to Immigration screening at border entry points to determine their admissibility.
- All foreign nationals are required to have a valid passport or other form of identification before are permitted entry into the country.
- Immigration Officers at entry points are empowered to determine if a subject is eligible for admission.
- Prohibited Immigrants and Deportation **Proceedings (Part VI to Part VII of the 1965 Act**) are fully covered and are in line with international standards.

Under the 1990 Extradition Act persons have been successfully extradited for prescribed offences. The ATA also makes provision for the expeditious extradition of a person suspected of terrorism offences.

2d. The Anti-Terrorism Act (ATA 2003) provides for measures against cross-border terrorism, under its sections 34 and 35.

2e. This area is covered by the Anti-Terrorism Act 2003. The wide definition provides for terrorist crimes and the penalties imposed show the seriousness in which it is held. The High Court in The Gambia has jurisdiction over the whole country and over all persons living in it, excluding diplomats. Extradition is possible in all cases.

2f &g. Mutual Assistance and Extradition are provided for in part VI, sections 39 to 47. Under these provisions, requests may be made to The Gambia to search for and gather evidence. Prisoners may also be transferred to other countries to act as witnesses.

3b. See paragraph 2f supra

3a & c:
Bilateral and other arrangements in place:-

- The Joint Ministerial Commission between The Gambia and Senegal discusses among other things security and cross-border issues.
- The ECOWAS C4 Installation between the United States European Command and ECOWAS.
- The Defence and Security Commission of ECOWAS which comprises the Chiefs of Defence staff. They conduct regular meetings and consultations on matters on security in the sub-region.

3d & e: The Gambia has signed and ratified the following UN Conventions aimed at combatting Terrorism:

- Convention on Offences and Certain Other Acts Committed on Board Aircraft, Signed at Tokyo on 14 September 1963. (Deposited with the Secretary-General of the International Civil Aviation Organization).
  Signed: 4th January 1979 Ratified: 4th April 1979

- Convention for the Suppression of Unlawful Seizure of Aircraft, signed at the Hague on 18 December 1970. (Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America).
  Signed: 18th May 1971 Ratified: 28th November 1978

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971. (Deposited with the Governments of the Russian Federation, the United Kingdom and the United States of America).
  Accession: 28th November 1978

- Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973
  Ratified: 2nd May 2002

- International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979.
  Ratified: 2nd May 2002

- Convention on the Physical Protection on Nuclear Material, signed at Vienna on 3 March 1980. (Deposited with the Director-General of the International Atomic Energy Agency).
  Pending

- Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988. (Deposited with the

Governments of the Russian Federation, the United Kingdom and the United States of America and with the Secretary-General of the International Civil Aviation Organization).
Signed: 16th June 2000 Ratified: 16th July 2000

- Convention for the Suppression of Unlawful Acts against the Safety on Maritime Navigation, done at Rome on 10 March 1988. (Deposited with the Secretary-General of the International Maritime Organization)
Ratified

- Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988. (Deposited with the Secretary-General of the International Maritime Organization)
Pending

- Convention on the Marking of Plastic Explosives for the Purpose of Detection, signed at Montreal on 1 March 1991. (Deposited with the Secretary-General of the International Civil Aviation Organization).
Acceded to 20th June 2000

- International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997.
Ratified 2nd May 2002

- International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly of the United Nations on 9 December 1999.
Pending

The intervention of Government is to proceed with and it is proceeding with the finalisation of the pending instruments.

3f & g. The Gambia as a signatory to the 1951 UN Convention on refugees and its subsequent 1967 Protocol, works closely with the UNHCR office based in Dakar, Senegal. All refugees are required to be registered by the UNHCR office before they are recognized by the Gambia Immigration Department.

Refugees are no exception to the Immigration Act covering the prohibition and deportation of immigrants. Refugees undergo a dual screening process conducted by the UNHCR office and the Gambia Immigration Department before they are formally admitted.

4a. National efforts: A national drug control bill was passed into law in 2002. It establishes the National Drug Control Council and its Governing Board. It aims to control and prevent trafficking in Drugs, Arms and Sensitive materials, through its sections 54; 57(1); 64(2); 65(1); 66(1); 90(1); 103(1); 112(1); 116; 117 and 126.

Section 54:

57(1)	-	Trafficking in Drugs and Arms
54	-	Trafficking in Drugs and arms, illegal movement of sensitive materials, international terrorism and trans-national organised crime.
65(1)	-	Drug trafficking, money laundering and terrorism.
66(1)	-	Money laundering.
72	-	Trans-national Crimes, Terrorism and Money Laundering
90	-	Drug trafficking, trans-national issues
103	-	Money laundering
112	-	International cooperation
116	-	International cooperation in trans-national crimes
126	-	Extradition in trans-national crimes

4b. International cooperation:

There exists a Police Chiefs Forum at the sub-regional level through which Police Chiefs of Member States meet, discuss and exchange information on international terrorism, trans-national organised crime, trafficking in drugs and arms, illegal movement of sensitive materials etc.

Support and assistance will be needed if the competent arms of government are to effectively deal with the multi-dimensional threat of terrorism. Support will be in the form of capacity building and logistics – computers, vehicles, communications equipment etc. This will complement government's efforts in the global fight against terrorism. Donor support and input will be crucial in view of the real constraints that are experienced locally.

Annexes:

1. Anti-terrorism Act passed in 2002 by the National Assembly and assented to by the President
2. Money Laundering Bill 2003
3. Financial Institutions Bill 2003
4. National Drug Control Act 2002
5. Immigration Act 1965
6. ECOWAS: Protocol relating to the mechanism for Conflict Prevention, Management, Resolution, Peacekeeping and Security.
   - " Convention on Extradition (1994)
   - " Convention on Mutual Assistance in Criminal Matters (1992)
   - " Protocol relating to Mutual Assistance in Defence